

FIRST REGULAR SESSION

# SENATE BILL NO. 703

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2576S.011

## AN ACT

To amend chapters 105 and 130, RSMo, by adding thereto three new sections relating to ethics, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapters 105 and 130, RSMo, are amended by adding thereto  
2 three new sections, to be known as sections 105.945, 105.1202, and 130.165, to  
3 read as follows:

**105.945. 1. As used in this section, the following terms shall  
2 mean:**

3 **(1) "Decision-making public servant", as defined in subdivision  
4 (6) of section 105.450, including those running for offices mentioned in  
5 that section;**

6 **(2) "Disclosure", complete and timely disclosure of all relevant  
7 information known to the person making the disclosure;**

8 **(3) "Promptly", within forty-eight hours, excluding weekends and  
9 state, county, and federal holidays.**

10 **2. Any decision-making public servant who receives any offer of  
11 anything of value in consideration for any vote, opinion, judgment,  
12 exercise of discretion, or other action by such servant shall disclose the  
13 offer promptly to the chief of police and the county prosecutor of the  
14 county in which the offer was made or received, or to the state attorney  
15 general, or to the federal law enforcement agency with jurisdiction  
16 over such matters. Any decision-making public servant who fails to  
17 disclose an offer as required by this subsection shall be guilty of a class  
18 B felony.**

19 **3. Any person who, on the person's own behalf or on behalf of  
20 any other person or entity, is seeking or has solicited within the**

21 preceding year either a contract with any public agency or for the vote  
22 of a decision-making public servant and from whom anything of value  
23 is solicited in consideration for any vote, opinion, judgment, exercise  
24 of discretion, or other action by such servant, shall promptly disclose  
25 the solicitation to the chief of police and the county prosecutor of the  
26 county in which the offer was made or received, or to the state attorney  
27 general, or to the federal law enforcement agency with jurisdiction  
28 over such matters. Any person who fails to make disclosure of a  
29 solicitation as required by this subsection shall be guilty of a class C  
30 felony.

31 4. No person shall be guilty of a violation of this section due  
32 solely to the unavailability of the law enforcement personnel or agency  
33 to whom disclosure must be made, provided the person makes a good  
34 faith attempt to make the required disclosure to the law enforcement  
35 personnel or agency when the personnel or agency becomes available.

36 5. Any decision-making public servant who receives a disclosure  
37 of an offer or solicitation under this section shall promptly make a full  
38 written record of the disclosure.

39 6. No offer of a bribe by any person as part of an undercover  
40 investigation by a law enforcement agency shall be subject to this  
41 section if the chief of police or other head of the law enforcement  
42 agency specifically authorizes the offer in writing as part of an  
43 approved official investigation.

44 7. This section does not affect rights and duties that matured,  
45 penalties that were incurred, and proceedings that were begun, before  
46 its effective date.

105.1202. 1. No public official or state employee shall engage in  
2 any lobbying activity, as defined in section 105.470, in relation to the  
3 state agency in which the official serves or in which the employee  
4 serves, if such official or employee accepts compensation specifically  
5 attributable to such lobbying, other than that provided for the  
6 performance of such official's or employee's official duties. Nothing in  
7 this section shall prohibit a state official or employee from lobbying  
8 without compensation other than that which such official or employee  
9 is entitled to receive for performance of such official's or employee's  
10 official duties.

11 2. None of the following individuals shall engage in lobbying or

12 be employed as a lobbyist within two years after leaving their  
13 respective office or employment:

14 (1) Member of the general assembly;

15 (2) Legislative staff and caucus employees;

16 (3) Governor, lieutenant governor, treasurer, auditor, secretary  
17 of state, or attorney general;

18 (4) Commissioner, deputy commissioner, or head of any state  
19 department or agency; or

20 (5) Researcher, legislative analyst, or attorney in the office of  
21 senate counsel and research or house research.

130.165. 1. A member of the general assembly shall not accept  
2 meals, food, beverages, or other gifts from a legislative lobbyist or the  
3 lobbyist's principal as defined in subdivisions (5) and (7) of section  
4 105.470, RSMo.

5 2. The provisions of this section may be cured by reimbursing  
6 said lobbyist or lobbyist principal within thirty days of obtaining  
7 actual knowledge that reimbursement is necessary to meet the  
8 requirements of this section.

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